

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Honorable Garrett E. Brown, Jr.
v. : Crim. No. 07-454 (GEB)
WILFREDO BERRIOS, :
a/k/a "Robo Cop," :
FRANCISCO HERRERA-GENAO, : ORDER
a/k/a "Fongi," and :
EFRAIN LYNN, :
a/k/a "Pepino" :

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AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

THIS MATTER having come before the Court on the pretrial motions of defendant Francisco Herrera-Genao, (Martin D. Matlaga, Esq. appearing); and on the cross-motion Christopher J. Christie, United States Attorney for the District of New Jersey (Kevin M. O'Dowd and Charles B. McKenna, Assistant United States Attorneys, appearing), for reciprocal discovery, pursuant to Fed. R. Crim. P. 16(b) and this Court's standing Order for Discovery and Inspection; and the Court having considered the submissions of the parties and having heard arguments on the motion by counsel on March 3, 2008; and for good cause shown,

IT IS on this *6th* day of March, 2008

ORDERED, that defendant Herrera-Genao's motion for grand jury material is denied; and it is further

Ordered that defendant Herrera-Genao's motion for disclosure of out-of-court identifications of the defendant is denied with the proviso that the Government will provide

defendant with notice of individuals who will provide in-court identification when it provides Jencks and Giglio material (prior to the Government opening in the case) and defendant can renew his motion at that time; and it is further

ORDERED, that the Government will file any 404(b) motions two weeks prior to the trial in this matter; and it is further

ORDERED, that the defendant Herrera-Genao's motion for the immediate disclosure of the identities of cooperating individuals is denied however the Government will make such disclosure when it makes its Jencks and Giglio disclosures; and it is further

ORDERED, that the defendant Herrera-Genao's motion for booking photographs of cooperating individuals is denied; and it is further

ORDERED, that the defendant Herrera-Genao's motion for discovery pursuant to Rule 12(b)(4) is denied in favor of the adherence of the Government to this Court's Standing Order; and it is further

ORDERED, that the agents' rough notes will be preserved; and it is further

ORDERED, that defendant Herrera-Genao's motion to suppress statements he made to law enforcement is denied without prejudice to his renewing the motion at trial; and it is further

ORDERED, that the defendant Herrera-Genao's motion to suppress the fruits of the search of his residence which search was conducted pursuant to a valid search warrant ordered by a federal magistrate judge is denied; and it is further

ORDERED, that defendant Herrera-Genao's motion to suppress the content of telephone conversations he made from detention centers while being held without bail on the instant charges is denied; and it further

ORDERED, that the defendant Herrera-Genao's motion for a hearing regarding the admissibility of co-conspirator statements is denied; and it further

ORDERED, that the defendant Herrera-Genao's motion for an in limine ruling regarding the admissibility of his prior convictions is premature and will be decided, if the defendant takes the witness stand, at the completion of his direct testimony; and it is further

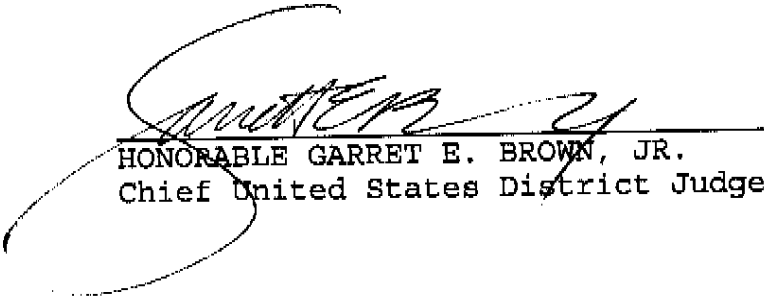
ORDERED, that the defendant Herrera-Genao's motion for severance is denied; and it further

ORDERED, that the search of the defendant Herrera-Genao's person incident to his arrest was proper and the motion to suppress is therefore denied; and it is further

ORDERED, that the defendant Herrera-Genao's motion to suppress evidence obtained from the search of unspecified automobiles is denied; and it further

ORDERED that the defendant Herrera-Genao's motion to file additional motions is moot; and it is further

ORDERED that the defendant Herrera-Genao shall produce reciprocal discovery as required by Fed. R. Crim. P. 16(b) and this Court's standing Order for Discovery and Inspection.



HONORABLE GARRET E. BROWN, JR.
Chief United States District Judge